



STATUS
Council Approved
CAO Approved:

TITLE: Corporate Land Acquisition	NO.: First Approved: Latest Revision: August 11, 2006 Latest Approval:
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POLICY STATEMENT:

A policy to establish a comprehensive framework to govern the acquisition of Real Property by The Regional Municipality of York

APPLICATION:

To all Regional Employees

PURPOSE:

The purpose of this policy is to develop a strategic, transparent, comprehensive and consistent approach to acquiring Regional land and facilities. This policy establishes the guiding principles, upon which, specific procedures shall be developed with regard to the acquisition of Real Property

DEFINITIONS:

Appraisal: A written opinion, provided by either an independent, qualified appraiser or Regional staff, regarding the fair market value of real property, which is in a form satisfactory to the Director of Property Services.

Current Market Value: The price that a property would sell for if offered for sale on the open market, given a willing seller and a willing buyer.

Real Property: Includes lands, buildings, tenements and any interest, estate, right, or easement in lands.

DESCRIPTION:

Preamble:

The Property Services Branch has been mandated by Regional Council to manage the Corporation's land and facilities, and has developed a Regional Strategic Accommodation Plan, which was adopted by Council on September 22, 2005. The Branch has a responsibility to ensure that all of the Region's real property assets are managed in a consistent, comprehensive and transparent manner. The following policies set out such a framework with regard to the acquisition of real property.

Policies:

- All Regional departments shall conduct a review of their real property on an annual basis and notify the Director of Property Services, in writing, of any accommodation requirements, in accordance with the Strategic Accommodation Plan.

Acquisition of Land for Capital Works Projects

- The Property Services Branch shall be responsible for the acquisition of lands, including easements, for Regional capital works projects including roads, waterworks and sewers, and Rapid Transit/Transit facilities. In carrying out its corporate mandate, the Property Services Branch shall:
 - a) Consider and make recommendations on the need to hire consultants (in accordance with the Region's Purchasing By-law);
 - b) Make recommendations to environmental and design consultants on impacts and options;
 - c) Attend public meetings to note the concerns of property owners and answer questions about the acquisition process;
 - d) Arrange for or carry out appraisals and environmental audits for negotiation purposes and provide advice on land purchase costs;
 - e) Arrange for, or carry out negotiations with individual landowners, and prepare and obtain offers and other documents required for land acquisitions;
 - f) Prepare and present appropriate reports to Regional Council (allowing a minimum period of 6 months for most acquisitions and 12 to 15 months if expropriation is necessary);

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- g) Advise Council on expropriation matters where and when appropriate, and if directed, proceed with the acquisition, negotiations for settlement of compensation and all steps necessary under *The Expropriations Act*; and
- h) Liaise with Regional staff to co-ordinate land acquisition with tender of contracts for construction.

Acquisition of Land or Facilities for Departmental Accommodation

- The Property Services Branch shall co-ordinate the acquisition of land and buildings for Regional Departments by purchase, or renewal/negotiation of lease. Staff will provide this service to client departments, ensuring that the Branch:
 - a) Plans for, and co-ordinates accommodation requirement among all Regional departments, in accordance with all Regional Policies and business strategies, including the policies established in the Strategic Accommodation Plan;
 - b) Is responsive to client department requirements;
 - c) Provides accommodation at the best price, terms and conditions available in the marketplace; and
 - d) Takes into account long-term corporate goals and objectives.

Property Services Branch staff shall:

Arrange for the participation of all appropriate staff and consultants;

- a) Advise client departments on market, alternative arrangements and negotiation strategies;
- b) Co-ordinate negotiations;
- c) Prepare and obtain offers and other documents required for land acquisitions and prepare and present appropriate reports to Regional Council; and
- d) Provide advice to client departments as to lease interpretation and legislative requirements.

Environmental Audits

- Where any land or interest in land is being acquired by the Region, due diligence, in the form of environmental audits, shall be exercised to ensure the interests of the Corporation will not be adversely affected by the presence of any containment or environmental hazard upon, in,

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under or passing through the subject lands, except to the extent that circumstances warrant or by Council direction.

Delegation of Authority and Special Procedures

- Where a capital project has received Council approval and the acquisition of all necessary land has been authorized, the Commissioner of Corporate Services shall be authorized to approve the individual acquisition agreements for lands where the total amount of compensation is \$50,000 or less. All documents to be executed in that regard, shall be approved by the Regional Solicitor prior to execution. Acquisition agreements shall include negotiated agreements as well as offers made under Sections 25 and 30 of The *Expropriations Act*.
- Where the amount of compensation exceeds \$50,000, the amount of compensation shall be approved by Regional Council and any documents to be executed shall be approved by the Regional Solicitor prior to execution.
- Where the total amount of compensation is less than \$100,000, an internal review of the land value shall be carried out by Regional staff, taking into account comparable sales in the area of the subject lands, prior to determining current market value. Where total compensation is estimated to be between \$100,000 and \$1 Million, a formal appraisal of the subject property shall be prepared by an independent accredited appraiser to ensure maximum transparency in the process. Where the total compensation is estimated to be greater than \$1 Million, 2 formal appraisals shall be obtained from independent accredited appraisers.
- Notwithstanding, Regional Council may direct that special arrangements be made or procedures be adopted with respect to the acquisition of land and for that purpose, may by By-law, delegate the authority to negotiate or approve the acquisition of land to a Committee of Council, Members of Council, staff or special agent.
- The Commissioner of Corporate Services shall report to the Finance and Administration Committee and Regional Council on an annual basis, to provide a summary of all real property that has been acquired with a market value of less than \$50,000 each.

Strategic Land Acquisition

- The Property Services Branch is authorized to assemble land parcels required to implement approved future Regional uses, provided the following criteria are satisfied:
 - a) Future Regional uses and the specific program requirements justifying the land acquisition shall be outlined within a Regional document approved by Regional Council;
 - b) Lands proposed for acquisition shall be consistent with and in conformity to the location criteria and other policies specified in the Strategic Accommodation Plan, or

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other Corporate Plans, Strategies or Program, which have been approved by Regional Council; and

- c) All land acquisitions, with a compensation value over \$50,000, shall be subject to the approval of Regional Council and the Regional Solicitor.

RESPONSIBILITIES:

Chief Administrative Officer or Delegate

- Responsible for decision-making in situations where multiple requests are received from internal departments for land and/or facility acquisition.

Commissioner of Corporate Services or Delegate

- Responsible for authorizing the acquisition of real property when the current market value of the subject land is appraised at or under \$50,000.

Director of Property Services, Corporate Services Department

- Responsible for all technical matters related to the acquisition of the Corporation's real property.

Department Heads/Directors/Managers/Supervisors:

- Responsible for ensuring that their staff is aware of this policy and for addressing non-compliance issues.

NON-COMPLIANCE WITH POLICY:

Non-compliance with this policy may result in disciplinary action, up to and including termination, or legal action.

REFERENCE:

Ontario Municipal Act and Regulations
Ontario Expropriations Act and Regulations

CONTACTS:

Director of Property Services, Corporate Services Department

Manager of Realty Services, Corporate Services Department

Co-ordinator, Strategic Planning and Policy and Asset Review, Corporate Services Department

APPROVAL INFORMATION

CAO Approval Date:

Committee: Finance and Administration

Clause:

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